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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,995	09/25/2000	Karl-ulrich Stein	P00-1787	2572

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EXAMINER

HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/646,995

Applicant(s)

STEIN, KARL-ULRICH

Examiner

Lalita M. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 9, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Summary**

On June 2, 2005, an Advisory Action was mailed to the Applicant withdrawing the final Office Action. A new non-final action follows below.

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: After "Internet", the number "5" should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nikander (6,029,151).

Nikander discloses a method for performing electronic money transactions comprising Internet access networks with mobile Internet-compatible communication terminal devices, providing, in said Internet access networks, at least one respective interface for a cash-free payment for a use of one of said respective Internet access networks which is a respective Internet access network, setting up a traffic relationship to said at least one respective interface in a framework of a logon of a mobile

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communication terminal device in said respective Internet access network, and using said respective Internet access network by one of said mobile communication terminal devices which is a communication terminal device after said cash-free payment via said at least one respective interface that is effected by said communication terminal device (col.2, line 47 to col.3, line 50; col.11, line 53 to col.12, line 10; and fig.6—all); providing and utilizing in said Internet access network a mobile Internet protocol for realizing a communication terminal device mobility (col.2, line 47 to col.3, line 50; col.11, line 53 to col.12, line 10; and fig.6—all); communicating, to said at least one respective interface via said communication terminal device and via said respective Internet access network, credit card information and at least one of an identifier and a personal identifier that assists said cash-free payment (col.7, lines 25-33 and col.13, lines 1-58); representing said mobile communication terminal devices by communication radio network communication terminal devices, and representing an Internet access network by at least one Internet server connected to a communication radio network (col.2, line 47 to col.3, line 50; col.11, line 53 to col.12, line 10; and fig.6—all); representing said mobile communication terminal devices by portable communication fixed network communication terminal devices, and representing an Internet access network by at least one Internet server connected to a communication fixed network (col.2, line 47 to col.3, line 50; col.11, line 53 to col.12, line 10; and fig.6—all); integrating or arranging said at least one respective interface in said at least one Internet server (col.2, line 47 to col.3, line 50; col.11, line 53 to col.12, line 10; and fig.6—all); connecting mobile computer devices to said mobile communication terminal devices, wherein said

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cash-free payment is implemented utilizing said mobile communication terminal devices (col.2, line 47 to col.3, line 50; col.11, line 53 to col.12, line 10; and fig.6—all); setting up a connection to one of said Internet access networks via feeder networks of public or private communication fixed networks or communication radio networks, producing traffic relationship to said at least one respective interface in a framework of a logon of a mobile communication terminal device in said respective Internet access network, communicating an identification and credit card information between a requesting communication terminal device and at least one respective interface in a framework of a payment procedure for cash-free payment, and subsequently granting access to the Internet via said respective Internet access network to said requesting communication terminal device (col.2, line 47 to col.3, line 50; col.7, lines 25-33; col.11, line 53 to col.12, line 10; and fig.6—all); and integrating or arranging said at least one respective interface in said at least one Internet server (col.2, line 47 to col.3, line 50; col.11, line 53 to col.12, line 10; and fig.6—all).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikander in view of Jonstromer (6,142,369).

Nikander discloses the invention substantially as claimed; however, Nikander does not disclose reading credit card information in said mobile communication terminal devices with assistance of reader devices for credit cards or input devices; communicating an electronic signature, in a framework of a security system of said cash-free payment, from an affected communication terminal device to said at least one respective interface; or encrypting, in communication terminal device-associated fashion, identifying information selected from the group consisting of said credit card information, said identifier and said personal identifier and communicating said identifying information to said at least one respective interface. Jonstromer teaches an electronic financial transaction method comprising reading credit card information in said mobile communication terminal devices with assistance of reader devices for credit cards or input devices (fig.1-all); communicating an electronic signature, in a framework of a security system of said cash-free payment, from an affected communication terminal device to said at least one respective interface (col.4, lines 20-45); and encrypting, in communication terminal device-associated fashion, identifying information selected from the group consisting of said credit card information, said identifier and said personal identifier and communicating said identifying information to said at least one respective interface (col.4, lines 44-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate disclose reading credit card information in said mobile communication terminal devices with assistance of reader devices for credit cards or input devices; communicating an electronic signature, in a framework of a security system of said cash-free payment,

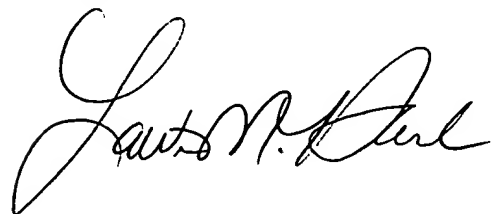
from an affected communication terminal device to said at least one respective interface; and encrypting, in communication terminal device-associated fashion, identifying information selected from the group consisting of said credit card information, said identifier and said personal identifier and communicating said identifying information to said at least one respective interface, as taught by Jonstromer into the invention disclosed by Nikander, to provide an alternative means of securely communicating credit card information.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lalita M. Hamilton", is located at the bottom left of the page.